STATE OF MISSOURI PUBLIC SERVICE COMMISSION JEFFERSON CITY February 28, 2001

CASE NO: TO-2001-459

Office of the Public Counsel

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131 East High Street

Jefferson City, MO 65101

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

Dale Hardy Roberts

Hok Had Roberts

Secretary/Chief Regulatory Law Judge

Uncertified Copies:

To all interexchange and local exchange telecommunications companies

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Master Network

Interconnection and Resale Agreement

Between DSLNet Communications, LLC, and

Sprint Missouri, Inc.

)

Case No. TO-2001-459

ORDER AND NOTICE

On February 22, 2001, Sprint Missouri, Inc., and DSLNet Communications, LLC, (Applicants) filed an application with the Commission for approval of an interconnection and resale agreement under the provisions of the federal Telecommunications Act of 1996 (the Act). Applicants state that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act and that the agreement of the parties presents the adoption of an agreement the Commission has previously approved in prior cases.

The Act provides that an interconnection agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity. 47 U.S.C. \$ 252(e).

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to

present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2D 494, 496 (Mo. App. 1989).

Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously and, if there are no requests for a hearing, relief may be granted based on the application. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

IT IS THEREFORE ORDERED:

- 1. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.
- 2. That any party wishing to request a hearing in this matter shall do so by filing a pleading no later than March 20, 2001, with:

Dale Hardy Roberts, Secretary Missouri Public Service Commission Post Office Box 360 Jefferson City, Missouri 65102

and send copies to:

Stephen D. Minnis, Esq. Spring Missouri, Inc. 5454 W. 110th Street Overland Park, Kansas 66211

Paul H. Gardner, Esq. Goller, Gardner & Feather 131 High Street Jefferson City, Missouri 65101 and:

Office of the Public Counsel Post Office Box 7800 Jefferson City, Missouri 65102

- 3. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than March 30, 2001.
 - 4. That this order shall become effective on March 10, 2001.

BY THE COMMISSION

lake Hoed Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(SEAL)

Keith Thornburg, Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri, on this 28th day of February, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,

Missouri, this 28th day of February 2001.

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

Hole Hardy Roberts